

REMARKS

This amendment is in response to the non-final Office Action of November 28, 2007.

The claims have been amended to specify that the receiving device is a base station and that the transmitting device is a mobile device. Support for these amendments may be found in claim 12 and page 8, line 28 to page 10, line 8.

In addition, claim 1 has been amended to specify that a geographical location of the mobile station is determined (as claimed in present claim 2).

The present invention relates to a system for determining the location of a mobile station in a cellular communication system. Each base station of the system includes a characteristic parameter describing line-of-sight conditions for the base station. For example, the characteristic parameter may relate to the locations of buildings within the range of the base station, or the types of buildings, trees, or other radio-path obstructing obstacles. Such characteristic parameters may be taken into account when determining the location of the mobile station by triangulation to give a more accurate result when the mobile station is in a radio reflective environment.

It is noted that the Examiner has applied an obviousness rejection against claims 1-18 and 10-27 using US 5,974,329 (*Wylie*) as the primary reference combined with secondary reference US Publication No. 2002/0050944 (*Sheynblat*).

Wylie discloses the determination of a location of mobile station in an environment where some of the base stations are line-of-sight with respect to the mobile station and others are non-line-of-sight.

Sheynblat describes a system for determining the location of a GPS device using GPS satellites when signals from the satellites are affected by radio-path reflections due to the local environment. The GPS device determines its environment

by historical usage, stored data, or evaluating attenuation of signals from local base stations. The environment of the GPS device may be assigned a characteristic parameter such as "urban" or "urban canyon." Alternatively, the parameter may relate to the positions of buildings or the types of obstacles in the local environment of the GPS device.

Wylie does not disclose that the base station uses a characteristic parameter.

Sheynblat discloses that the mobile GPS device uses a characteristic parameter. However, *Sheynblat* does not disclose that the base station or GPS satellite uses a characteristic parameter. There is no direction within *Sheynblat* that it would be advantageous for a base station or GPS satellites to use a characteristic parameter. In fact, it is apparent that as a GPS satellite has a wide range the use of a characteristic parameter would not be beneficial.

In the present invention the base stations use a characteristic parameter to assist in determining the location of the mobile station. The advantage of the base stations using the characteristic parameter is that they may be pre-programmed in relation to their location. Contrarily, in *Sheynblat*, the mobile GPS device must determine a new characteristic parameter whenever it is moved.

In addition, there is no teaching within *Wylie* or *Sheynblat* on how multiple base stations can utilize a characteristic parameter to determine the location of a mobile station.

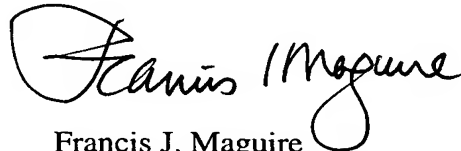
Therefore, the rejected claims 1-8 and 10-27 are nonobvious in light of *Wylie* and *Sheynblat* and withdrawal of the .5 U.S.C. Section 103(a) rejection thereof is requested.

Regarding the 35 U.S.C Section 103(a) rejection of claim 9 as being unpatentably obvious over *Wylie* in view of *Sheynblat* and further in view of *Hilsenrath et al* (US 6,026,304), claim 9 is dependent from claim 1 and is at least patentable for the same reasons as given above in applicant overcoming the rejection

of the independent claim 1. Withdrawal of the obviousness rejection of claim 1 is rejected.

The objections and rejections of the Office Action of November 28, 2006, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1, 3-11, 13-15, 17, 19-20, and 22-27 to issue is earnestly solicited

Respectfully submitted,

A handwritten signature in black ink that reads "Francis J. Maguire". The signature is written in a cursive style with a large, looping initial "F".

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